



**STATE OF NEVADA
COMMISSION ON ETHICS**

<http://ethics.nv.gov>

**Wednesday, September 13, 2006
9:00 a.m.**

**Legislative Counsel Bureau
Grant Sawyer Building
555 E. Washington Avenue, Room #4412
Las Vegas, Nevada 89101**

MINUTES

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,
is available for inspection at the Commission offices in Carson City and Las Vegas.

Commission Members Present:

Mark A. Hutchison, Esq., Vice Chairman;
Randall Capurro; Timothy Cashman; William Flangas;
George Keele, Esq.; Jim Kosinski, Esq.

Commission Members absent due to their participation in the Panel Proceeding:

Caren Jenkins, Esq., Chairman; Rick Hsu, Esq.

Commission on Ethics Staff Present:

L. Patrick Hearn, Executive Director
Adriana G. Fralick, Esq., General Counsel
Matt Di Orio, Senior Investigator
Tami DeVries, Research Analyst

Others Present:

C. Stanley Hunterton, Esq., legal counsel to Kevin Phillips
Gregory Barlow; Asahel Robison
Media representative

Vice Chairman Hutchison called the meeting to order at 9:00 a.m., Wednesday, September 13, 2006.

Agenda Item 1 – Open session to approve the minutes of the August 9, 2006, Commission meeting

Vice Chairman Hutchison opened the agenda item to approve the minutes of the August 9, 2006, Commission meeting. Commissioner Keele moved to approve the minutes. Commissioner Capurro seconded the motion. The motion was put to a vote and passed unanimously.

Agenda Item 2 – Request for Opinion 06-23

Open session to hear testimony, receive evidence, deliberate, and render an opinion relating to a Request for Opinion submitted pursuant to NRS 281.511 (2)(b), alleging that certain conduct of Kevin Phillips, Mayor, City of Caliente; Chairman, Joint County and City Impact Alleviation Committee, violated the provisions of NRS 281.481(1), NRS 281.481(2), and NRS 281.571(1)(e).

Vice Chairman Hutchison opened the agenda item and denied a motion to dismiss filed by the subject of Request for Opinion No. 06-23, Caliente Mayor, Kevin Phillips. Counsel for Phillips filed the motion to dismiss due to insufficient evidence to move forward, and questioned if a hearing should even be held. Vice Chairman Hutchison stated he believed there was sufficient evidence to hold a hearing because the Commission had a complaint supported by sufficient evidence to hold a hearing, moreover, specific statutory provisions applied to the particular facts of the complaint.

In a preliminary matter, Vice Chairman Hutchison discussed the stipulation of facts and asked Mr. Phillips to confirm that he has reviewed the stipulated facts and agreed with them. Mr. Phillips agreed. Vice Chairman Hutchison then reminded the subject and counsel that this is an administrative proceeding and provided an outline of the procedure to be followed for this hearing. Vice Chairman Hutchison then turned to executive director, Patrick Hearn, to provide an overview and history of the request for opinion.

The first witness, Mr. Phillips, was sworn in to testify, followed by Gregory Barlow and Asahel Robison, who were both sworn and testified.

A lunch break was taken at approximately 12:30 p.m., and the meeting resumed at approximately 1:00 p.m. for deliberations.

Commissioner Kosinski moved that the Commission find that there was not sufficient credible evidence to support a violation of NRS 281.481(1), and that the allegations be dismissed as to that particular portion of the complaint. Commissioner Keele seconded the motion. The motion passed unanimously.

With regard to the allegations concerning NRS 281.481(2), Commissioner Kosinski moved that the Commission find a violation of that statutory provision because Mayor Phillips used his

position in government to secure an unwarranted privilege, preference, exemption or advantage for his wife by having her accompany him on the trip to France, which was paid for by Cogema and/or NEI. Commissioner Flangas seconded the motion. The motion was put to a vote and failed on a two-four vote, with Commissioners Keele, Capurro, Cashman, and Hutchison voting no.

Commissioner Keele moved that the Commission find that Mayor Phillips had not violated the provisions of Subsection 2 of NRS 281.481, and that the charge against him in the complaint be dismissed on that basis. Commissioner Capurro seconded the motion. The motion passed five-one, with Commissioner Flangas voting no.

With regard to NRS 281.571, Commissioner Keele stated that because in his opinion no gift was made the provisions of this section are not implicated and, therefore, he moved that the Commission find that Mayor Phillips did not violate NRS 281.571(1)(e), and that the charge against him in the complaint be dismissed. Commissioner Capurro seconded the motion. The motion passed five-one, with Commissioner Flangas voting no.

Vice Chairman Hutchison then confirmed for the record that the Commission found that Mayor Phillips did not violate any of the provisions of NRS 281.481, either Subsection 1 or Subsection 2, or NRS 281.571.


Vice Chairman Hutchison closed this agenda item and moved to agenda item 3.

Agenda Item 3 – Open session for public comment

Vice Chairman Hutchison opened the agenda item for public comment. No public comment was made, and the agenda item was closed.

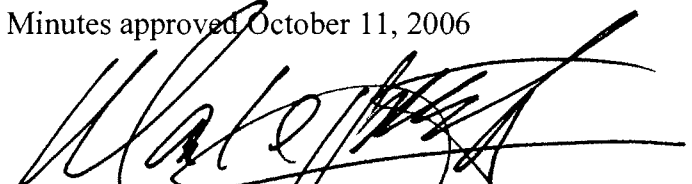
Vice Chairman Hutchison adjourned the meeting at 1:50 p.m.

Minutes transcribed by:



Emily H. Nunez, Office Manager

Minutes approved October 11, 2006



Mark A. Hutchison, Esq., Vice Chairman